

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

RENEE SHAWNETTE JOHNSON

§
§
§
§
§

Case No. 4:04cr30
(Judge Brown)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 11, 2005 to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Randy Blake.

On April 30, 2001, Defendant was sentenced by the Honorable H. Dale Cook of the Northern District of Oklahoma to 28 months custody followed by a 3 year term of supervised release for the offense of Conspiracy. On December 12, 2002, Defendant completed her period of imprisonment and began service of her supervised term. On February 24, 2004, jurisdiction was transferred to the Eastern District of Texas.

On November 30, 2004, the U.S. Probation Officer filed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following conditions: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall report to the probation officer and submit a truthful and complete written report within the first 5 days of each month; and (3) Defendant shall notify the probation officer at least 10 days prior to any changes of residence or

employment.

The petition alleges that Defendant committed the following acts: (1) On December 15, 2003, Defendant committed the felony offense of Credit Card Abuse by attempting to obtain merchandise at a Sears department store by presenting a credit card number for a Sears account that had been fraudulently opened; (2) On April 12, 2004, Defendant committed the felony offense of Forgery by presenting a counterfeit Visa Travel Cheque in the amount of \$100.00 to a Super Target store in Dallas, Texas; (3) On August 13, 2004, Defendant committed the felony offense of Forgery Check by furnishing two accomplices with forged checks to be cashed at Wal-Mart in Irving, Texas; (4) On August 13, 2004, Defendant committed the misdemeanor offense of Failure to I.D. Fugitive; (5) Defendant failed to report for a scheduled office visit with U.S. Probation Officer Michael Schumacher on July 7, 2004; and (6) Defendant failed to notify U.S. Probation Officer Michael Schumacher after being evicted from her apartment on July 15, 2004.

Prior to the Government putting on its case, the Defendant entered a plea of true to the alleged violations. At the hearing, the Court recommended that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Court revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for

a term of twenty-two (22) months, to be served consecutively to any other sentence, with no supervised release to follow.

Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. *Thomas v. Arn*, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).

SIGNED this 11th day of April, 2005.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE